

TENTATIVE RULINGS for CIVIL LAW and MOTION
August 25, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942
Department Fourteen: (530) 406-6941

****PLEASE NOTE** that the matters below will be heard in Department Fifteen at 1:30 p.m., instead of 9:00 a.m. and Department Fourteen at 10:00 a.m.

TENTATIVE RULING

Case: People v. \$483.00 (Spencer Jones)
Case No. CV PT 07-605

Hearing Date: August 25, 2009 **Department Fifteen** **1:30 p.m.**

The People are directed to appear and to advise the Court about whether they intend to file a petition for forfeiture and of any related criminal action. A judgment of forfeiture against the claimant requires, as a condition precedent thereto, that a defendant be convicted in an underlying or related criminal action of an offense specified in section 11470, subdivision (f) which offense occurred within five years of the seizure of the property subject to forfeiture or within five years of the notice of intent to seek forfeiture. (Health and Safety Code, § 11488.4, subd. (i)(3).)

TENTATIVE RULING

Case: **People v. \$1,052.00 (John J. Fechko)**
Case No. CV PT 07-2471

Hearing Date: **August 25, 2009** **Department Fifteen** **1:30 p.m.**

The People are directed to appear and to advise the Court of any related criminal action, other than Case No. CR F 07-6158. Case No. CR F 07-6158 was dismissed on July 1, 2008. A judgment of forfeiture against the claimant requires, as a condition precedent thereto, that a defendant be convicted in an underlying or related criminal action of an offense specified in section 11470, subdivision (f) which offense occurred within five years of the seizure of the property subject to forfeiture or within five years of the notice of intent to seek forfeiture. (Health and Safety Code, § 11488.4, subd. (i)(3).) There does not appear to be a conviction in an underlying or related criminal action.

Additionally, the People are directed to inform the Court of whether there is a successor claimant as it appears that John J. Fechko is deceased.

TENTATIVE RULING

Case: **Painter v. Painter**
Case No. CV FL 08-1131
Hearing Date: **August 25, 2009** **Department Fourteen 10:00 a.m.**

Motion to Compel Production of Documents:

Petitioner's motion to compel production of documents is **DENIED**. (Code Civ. Proc., §§ 2025.220 *et seq.*) Petitioner's request for attorney's fees in the amount of \$8,954.21 is **GRANTED**. (Fam. Code, §§ 2030 *et seq.*; Dec. of Forester.) Petitioner's request for sanctions is **DENIED**.

Motion For Attorneys' Fees:

Petitioner's motion for attorneys' fees is **GRANTED**. (Fam. Code, §§ 2030 *et seq.*)

Motion To Modify Support Orders and Set Matter For Trial:

Respondent's motion to modify child and spousal support orders is **DENIED**. (*Marriage of Farrell* (1985) 171 Cal.App.3d 543, 548-549.) There are no new circumstances or facts that would support modification of the last support orders.

Respondent's motion to set the matter for trial is **GRANTED**. The parties are directed to appear in Court prepared to set a settlement conference date and a trial date in this matter.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as described herein, is required.